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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,198	02/24/2004	Hidecki Kabunc	01-558	9251
23400	7590	11/27/2006	EXAMINER	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			GUYTON, PHILIP A	
			ART UNIT	PAPER NUMBER
			2113	

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/784,198

Applicant(s)

KABUNE ET AL.

Examiner

Philip Guyton

Art Unit

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,13-15 and 23 is/are rejected.
- 7) ☒ Claim(s) 3,5-12 and 16-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 13 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 13 and 23 recite the limitation "wherein after the microcomputer is reset and restarted." There is insufficient antecedent basis for this limitation in these claims. It is suggested that claim 13 should depend on claim 11 and claim 23 depend from claim 22.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
5. Claims 1, 2, 4, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,243,629 to Sugimoto et al. (hereinafter Sugimoto).

With respect to claim 1, Sugimoto discloses an electronic control unit for controlling an actuator (column 4, lines 27-40) with a microcomputer (figure 2, item 51), comprising:

a monitoring circuit (figure 2, item 52) including a communicating unit (figure 2, items 77, 78 and column 7, lines 13-15) for transmitting an assignment number to the microcomputer and receiving an answer from the microcomputer (column 8, lines 28-30), and a comparing/judging unit for comparing the answer with a correct answer for checking the microcomputer (column 8, lines 38-40),

wherein the microcomputer performs a predetermined self-function check operation in accordance with the assignment number, and transmits an operation result thereof as an answer (column 8, lines 30-38).

With respect to claim 2, Sugimoto discloses wherein the monitoring circuit judges that the microcomputer is in an abnormal state when the monitoring circuit receives no answer within a predetermined time after transmitting the assignment number to the microcomputer or when non-coincidence between the answer and the correct answer is judged sequentially a predetermined number of times (column 8, lines 38-45).

With respect to claim 4, Sugimoto discloses wherein when the monitoring circuit judges the microcomputer to be in an abnormal state, the monitoring circuit places the microcomputer into a drive prevention state (column 9, lines 37-44 and column 10, lines 7-16).

With respect to claim 14, Sugimoto discloses an electronic control unit for controlling an actuator with a microcomputer, comprising:

a monitoring circuit including an assignment number selecting unit for selecting an assignment number (column 8, lines 14-22), a communicating unit (figure 2, items 77, 78 and column 7, lines 13-15) for transmitting the assignment number selected by the assignment number selecting unit to the microcomputer and receiving an answer from the microcomputer (column 8, lines 28-30), and a comparing/judging unit for comparing the answer with a correct answer to check the function of the microcomputer (column 8, lines 38-40),

wherein the assignment number selecting unit renews the assignment number to a next assignment number when the answer and the correct answer are judged to be coincident with each other in the comparing/judging unit (column 8, line 46-column 9, line 3), and selects the same assignment number as a next assignment number when the answer and the correct answer are judged to be non-coincident with each other in the comparing/judging unit (column 8, lines 38-45); and

the microcomputer performs a predetermined self-function check operation in accordance with the assignment number received, and transmits an operation result as the answer (column 8, lines 30-38).

With respect to claim 15, Sugimoto discloses wherein the monitoring circuit judges that the microcomputer is in an abnormal state when the monitoring circuit receives no answer within a predetermined time after transmitting the assignment number to the microcomputer or when non-coincidence between the answer and the correct answer is judged sequentially a predetermined number of times (column 8, lines 38-45).

Allowable Subject Matter

6. Claims 3, 5-12, 16, and 17-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 13 and 23 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Guyton whose telephone number is (571) 272-3807. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PG
11/20/06

A handwritten signature in black ink, appearing to read "Robert M. Bressanelli". The signature is written in a cursive, flowing style.